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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CRYPTOGRAPHY RESEARCH, INC.,

Plaintiff,

v.

VISA INTERNATIONAL SERVICE
ASSOCIATION,

Defendant.

Case No. C 04-04143 JW (HRL)

**STIPULATION AND ~~[PROPOSED]~~ ORDER
REGARDING EXTENSION OF DATE TO FILE
JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT PURSUANT TO
PATENT LOCAL RULE 4-3 AND DISCOVERY
ISSUES**

Judge: Hon. James Ware

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

Plaintiff Cryptography Research, Inc. ("CRI") and Defendant Visa International Service Association ("Visa") submit the following Stipulation and Proposed Order to address a number of scheduling issues.

RECITALS

1. Document Production

On July 27, 2005, the Court (Magistrate Judge Lloyd presiding) issued an order granting in part and denying in part plaintiff's motion to enforce the Court's Patent Local Rules (the "July 27 Order"). Among other things, the July 27 Order required Visa "to produce, no later than August 12, 2005, all information falling under Patent L.R. 3-4 in the possession of its authorized testing laboratories, which the court deems to be in the control of Visa."

Counsel for Visa initially interpreted this provision of the July 27 Order to apply only to the vendor documents that vendors submitted to testing laboratories. CRI disagreed with this interpretation, and contended that Visa was required to produce all patent L.R. 3-4 material in the possession of its authorized testing laboratories.

Having considered the matter further, Visa is willing to follow CRI's interpretation of the July 27 Order, but has represented to CRI that, having previously interpreted the July 27 Order more narrowly, Visa cannot complete production of Patent L.R. 3-4 documents in the possession of its testing laboratories by August 12.

CRI is willing to stipulate to a 3-week extension of time for Visa to comply with the July 27 Order, solely with respect to documents in the possession of Visa's authorized testing laboratories, provided that Visa also complete, within thirty (30) days, its document production in response to CRI's First and Second Sets Requests for Production of Documents (served on January 13 and 24, 2005, respectively), and that CRI be granted an opportunity to supplement its Preliminary Infringement Contentions after review and analysis of those materials.

2. Claim Construction

The Parties wish to complete and file a Joint Claim Construction and Pre-hearing Statement ("Joint Statement") that imposes on the Court the minimal amount of judicial resources necessary to resolve the Parties' claim construction disputes.

1 CRI is willing to stipulate to an extension of the date for filing the Joint Statement
 2 provided that the dates for claim construction briefing, the claim construction hearing, and/or
 3 tutorial set by the Court's April 20, 2005 Order ("the Scheduling Order") are not altered.

4 Visa agrees that the extension jointly requested herein will not require the alterations of
 5 those dates.

6 STIPULATION

7 The parties stipulate that:

- 8 1. Visa shall produce all information falling under Patent L.R. 3-4 in the possession of its
 9 authorized testing laboratories on or before September 2, 2005. The Court's July 27
 10 Order remains in effect in all other respects.
- 11 2. Visa shall complete its production of documents responsive to CRI's first and second set
 12 of requests for production of documents and things no later than September 12, 2005.
 13 Said production shall be on a rolling basis, and shall not be "backloaded".
- 14 3. For all document productions after the date of this Order, the parties shall produce a log
 15 identifying by control number and custodian the source of the documents produced. For
 16 records not obtained from individual custodians, rather than individual custodians, the
 17 source of such documents (e.g., the particular centralized file or database from which the
 18 documents were obtained) shall be identified on the log.
- 19 4. No later than September 23, 2005, CRI may serve supplemental or amended disclosures
 20 under Patent L.R. 3-1, without objection by Visa.
- 21 5. In the event that Visa produces materials responsive CRI's First or Second Set of
 22 Requests for Production of Documents and Things or Patent L.R. 3-4 after September 9,
 23 2005, including any documents Visa contends it could not reasonably have produced by
 24 that date, CRI may supplement or amend its disclosures under Patent L.R. 3-1, without
 25 objection by Visa, within 10 court days after the date such additional documents or things
 26 are produced to and received by CRI.
- 27 6. The parties shall provide each other with their respective contributions to the Joint
 28 Statement no later than August 25, 2005;

7. The Parties shall complete and file the Joint Statement no later than September 12, 2005 pursuant to the Court's Patent Local Rules;
8. The Parties shall complete claim construction discovery on or before September 23, 2005 pursuant to the Court's Patent Local Rules;
9. The Parties agree to abide by the Court's April 20, 2005 Order ("Scheduling Order"), have no intention of altering the dates for claim construction briefing, claim construction hearing, and/or tutorial established by the Scheduling Order, and believe they will comply with the schedule set by the Scheduling Order;
10. The Parties agree that they shall not attempt to alter the dates for claim construction briefing, claim construction hearing, and/or tutorial set by the Scheduling Order on account of agreements regarding discovery reflected herein or the responses to/production under that discovery; and
11. Visa agrees that it shall not attempt to alter the dates for claim construction briefing, claim construction hearing, and/or tutorial set by the Scheduling Order on account of the agreement regarding filing the Joint Statement reflected herein.

IT IS SO STIPULATED:

FENWICK & WEST LLP

By:

Darren Donnelly (gw)
One of its attorneys

WITH
AUTHORIZATION
FROM COUNSEL

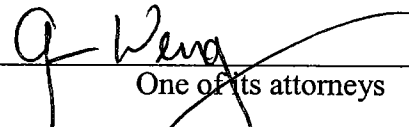
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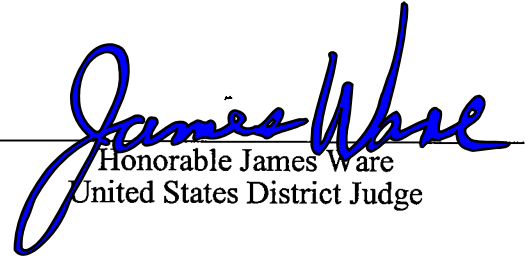
VISA INTERNATIONAL SERVICE ASSOCIATION.

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

IT IS SO ORDERED

Dated: February 28, 2006

By: _____


Honorable James Ware
United States District Judge

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